REMARKS/ARGUMENTS

The office action of December 11, 2007 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 2 and 4 remain pending in this application. Claims 1 and 3 have been withdrawn. New claims 5 and 6 have been added.

Rejections under 35 U.S.C. § 103

Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. patent no. 5,617,334 to Tseng et al. ("Tseng") and Trika. Applicant respectfully traverses this rejection.

To show the steps of receiving and embedding as previously claimed, the action relies on Tseng. In numbered paragraph 4, the action states as follows:

> 4. Applicant's arguments with regards to the 103(a) rejection over Tseng and Trika have been fully considered but they are not persuasive. Applicant essentially argues (page 5) that the depth map D_c^t is not "received" in Tseng. The Examiner disagrees. As illustrated in figure 2, Tseng clearly discloses depth map data D_c^t that is generated in the depth estimator 10 and received by the multiplexer **19**, where the depth map data is embedded in a portion of the video signal in response to the received data

The action has correctly characterized the arguments made by applicant in the previous response. In order to further clarify the distinction, applicant has amended claim 4 to specify receiving, *from an external source*, 2D images and *depth map data* of a depth map relating to the 2D images. In Fig. 1, Tseng discloses a multi-viewpoint video encoder including a depth estimator 10 and MPEG-2 encoder 21. The depth estimator *creates* the depth map D_c^t from the multiple viewpoint images and inputs the depth map D_c^t to the MPEG-2 encoder 21, which includes the multiplexer 19. As such, Tseng does not teach or suggest, responsive to the *receiving of the 2D images and depth map data from the external source*, embedding the depth map data in a portion of a video signal including the 2D image data which does not obscure or overwrite the 2D image data. The depth estimator 10 does not constitute an external source.

Trika does not cure this defect. Thus, the combination of Tseng and Trika does not teach or suggest at receiving, *from a external source*, 2D images *and depth map data* of a depth map relating to the 2D images and responsive to the receiving of the 2D images and depth map data from the external source, embedding the depth map data in a portion of a video signal as called for in claim 4. Moreover, neither Tseng nor Trika teach or suggest embedding the depth map data in a portion of a video signal including the 2D image data which does not obscure or overwrite the 2D image data, and *without loss of fidelity in a relative range of values in the depth map*.

For at least the above reasons, the combination of Tseng and Trika assuming, but not admitting, its propriety does not result in claim 4 invention. Thus, claim 4 and claim 2, which depends from claim 4, are patentably distinct from the applied art for at least these reasons.

New Claims

New claims 5 and 6 have been added to further the scope of protection and are believed to be allowable over the art of record.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
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